

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUIE SANFT and SEATTLE BARREL
AND COOPERAGE COMPANY

Defendants.

Case No. CR 19-00258 RAJ

ORDER


This matter comes before the Court on the defendants' request for leave to present the testimony of Enrique Alvarez by remote conferencing and request to admit audio recordings under the residual hearsay exception. At the November 22, 2021 pretrial conference, the Court directed the parties to submit briefing on these issues. Dkt. 132. The government submitted a Notice of Non-Opposition to Zoom Testimony of Enrique Alvarez, Dkt. 134, and Response to Defendants' Request to Admit Audio Recordings Under the Residual Hearsay Exception, Dkt. 135.

Having reviewed the briefing, the Court accepts the government's notice of non-opposition to Mr. Alvarez's appearance by remote testimony. Mr. Alvarez will be

1 permitted to testify in trial remotely. Defendants are directed to advise the government in
2 advance of Mr. Alvarez's testimony if they learn that the testimony will be materially
3 different from the information previously disclosed to the government.

4 With respect to the second matter, the Court denies defendants' request to admit
5 audio recordings under the residual hearsay exception, finding that such statements do
6 not satisfy the trustworthiness requirement of Federal Rule of Evidence 807 for the
7 reasons articulated and cases cited by the government. *See* Dkt. 135.

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9 DATED this 29th day of November, 2021.

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12 The Honorable Richard A. Jones
13 United States District Judge
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